

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LUV N' CARE, LTD. and)	
ADMAR INTERNATIONAL, INC.)	
)	CIVIL ACTION NO.
Plaintiffs,)	
v.)	08 CIV 4457 (DC/HP)
)	
WALGREEN CO. and)	
KMART CORP.)	JURY TRIAL DEMANDED
Defendants.)	

**DECLARATION OF JOSEPH HAKIM DATED JUNE 29, 2009
IN OPPOSITION TO DEFENDANT WALGREEN'S MOTION
FOR SUMMARY JUDGMENT**

I, Joseph Hakim, hereby declare that the following is true and correct, under penalty of perjury of the laws of the United States:

1. I am the President of Luv n' care, Ltd. (hereinafter "Luv n' care" or "LNC"), Plaintiff in the above-captioned action.
2. This declaration is submitted in opposition to Defendant Walgreen's Motion for Summary Judgment filed June 8, 2009.
3. As President of Luv n' care, I have access to the sales figures for each of our products. Additionally, I have access to books and records of LNC and regularly review such records. The sales figures that I discuss are derived from records kept in the usual course of Luv n' care's business.
4. Attached as Exhibit A is a confidential (for attorneys eyes only) spread sheet of the annual units sold and annual sales in dollar amounts for the past several years for our comb and brush set asserted in this matter.

5. To my knowledge, we are the only company that has sold a comb and brush set such as shown in Exhibit E of the Complaint, having this appearance, other than unauthorized copies of our products.
6. This product has been sold for at least five to ten years, although we are still in the process of attempting to retrieve our older records related to this product.
7. I believe that this product was intentionally copied by Royal King, based on the extremely close similarity in appearance between the product that they have manufactured and sold to retailers and ours.
8. I am not aware of any other products in the marketplace having the appearance of our product, other than unauthorized copies.
9. I hereby certify and affirm that all of the facts herein are true based upon my personal knowledge, or are believed to be true to the best of my knowledge, and certifying the truth of these statements under penalty of perjury.

Dated: June 29, 2009

/s/ Joseph Hakim

Mr. Joseph Hakim
President, Luv n' care, Ltd.

CERTIFICATE OF SERVICE

I HEREBY certify that on this 29th day of June 2009, I electronically filed the foregoing document with the Clerk of the Court using its CM/ECF system. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached service list in the manner specified either via transmission of Notices of Electronic Filing generated by this Court's CM/ECF system or in some other authorized manner for those counsel or parties who are not authorized to electronically receive Notices of Electronic Filing.

/s Susan J. Latham
SUSAN J. LATHAM

SERVICE LIST

Luv N' Care, Ltd., et al. v. Walgreen Co., et al.

Case No. 08-civ-4457 (DC)

United States District Court, Southern District of New York

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